

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

MARK K. STEVENS, M.D.,

FINAL DECISION AND ORDER

RESPONDENT

LS9911231MED

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A hearing in the above-captioned matter was held February 7-9, 2000, before Administrative Law Judge Jacquelynn B. Rothstein. Dr. Stevens appeared in person and by his attorney David P. Bunde. The Division of Enforcement appeared by its attorney John R. Zwieg. Post-hearing briefs were filed on March 17 and 24, 2000. The ALJ filed her Proposed Decision on May 22, 2000. Attorney for the Complainant filed his objections to the Proposed decision on June 20, 2000. The parties appeared before the board on August 24, 2000, to argue on Complainant's objections, and the board considered the matter on that date.

Based on the entire record in this case, the Medical Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Mark K. Stevens (DOB 7/17/54) is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery (License # 35110). His license was granted on January 20, 1994.
2. Dr. Stevens resides at 800 West Avenue South in LaCrosse, Wisconsin. His specialty is neurological surgery. He currently works as a neurosurgeon at the Franciscan Skemp Medical Center in LaCrosse and has been in that position since 1996.
3. From August 1990 to January 1996, Dr. Stevens was a practicing neurosurgeon and a United States naval officer assigned to the Department of Neurosciences at the Naval Medical Center in San Diego, California.
4. From July 1992 through March 1994, Dr. Stevens provided continuous medical care for Ms. 1, a woman married to a naval enlisted man. Dr. Stevens treated Ms. 1 for cervical radiculopathy and performed surgeries on her as follows:
  - a. In September 1992, Ms. 1 was admitted for an anterior cervical discectomy and fusion at the C5-6 level. Dr. Stevens erroneously performed the surgery at the C7-T1 level, including the insertion of a Synthes plate. Dr. Stevens' error was discovered intraoperatively, and the surgery was then performed at the appropriate C5-6 level, without the use of a plate.
  - b. In December 1992, a screw that was holding the plate to the T1 vertebrae had broken and the plate was removed without complication.
  - c. In October of 1993, as a result of continued neck pain, Dr. Stevens performed a posterior fusion of the C7-T1 spinous processes with Songer cables.
5. Following all three surgeries, Dr. Stevens prescribed medications to Ms. 1 for her pain including: Darvocet, Valium, Percocet, and Tylenol III. The prescribing continued until February of 1995.
6. After the December 1992 surgery, Dr. Stevens began seeing Ms. 1 socially. Dr. Stevens and Ms. 1 engaged in a sexual relationship from January 1993, until shortly after the October 1993 surgery.
7. On June 9, 1995, Dr. Stevens was charged with various military crimes relating to his conduct with Ms. 1 and other matters. A general court martial was convened on all charges on October 10, 1995.
8. On January 8, 1996, pursuant to a plea agreement, Dr. Stevens pled guilty to, and was convicted of, the following charges:
  - a. Unauthorized absence from February 17 through February 18, 1995.
  - b. Negligently allowing military property (prescriptions for Ms. 1) to be wrongfully disposed.

- c. Having sexual intercourse with a married woman (Ms. 1) from January 1993 to October 1993.
  - d. Fraternization with a female hospital mate third class, an enlisted person, from November 1992 to January 1994.
  - e. Fraternization with another female hospital mate third class, an enlisted person, from February 1992 to March 1994.
  - f. Having sexual intercourse with a woman not his wife (not Ms. 1) from September 1991 to Fall 1993.
9. On April 4, 1996, Dr. Stevens' sentence was finalized. He was allowed to resign from the Navy, given a Letter of Reprimand, and ordered to pay a forfeiture in the amount of \$12,000.
10. On October 31, 1996, the New York State Board for Professional Medical Conduct accepted the surrender of Dr. Stevens' physician's license.
11. In a letter dated February 23, 1996, to the Minnesota Board of Medical Practice, Dr. Stevens admitted that an inappropriate relationship had occurred with a patient.
12. Dr. Stevens voluntarily underwent a comprehensive evaluation at Rush Behavioral Health Center in Chicago, Illinois, in February of 1997.
13. On May 9, 1998, the Minnesota Board of Medical Practice issued a reprimand to Dr. Stevens and ordered that his license be limited for two years.
14. On November 30, 1998, the Medical Board of California accepted the surrender of Dr. Stevens' California Physician's and Surgeon's Certificate.

#### **CONCLUSIONS OF LAW**

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to Chapter 448, Wis. Stats.
2. Dr. Stevens, by having been court martialled by the United States Navy of a crime substantially related to the practice of medicine, has committed unprofessional conduct as provided under § MED 10.02 (2) (r), Wis. Admin. Code.
3. Dr. Stevens, by having had disciplinary action taken against his California, Minnesota, and New York medical licenses, has committed unprofessional conduct as provided under § MED 10.02 (2) (q), Wis. Admin. Code.

#### **ORDER**

NOW THEREFORE IT IS ORDERED that the license of Mark K. Stevens, M.D., be, and hereby is, suspended for a period of not less than one year.

IT IS FURTHER ORDERED that the suspension of Dr. Stevens' license is hereby stayed for a period of three months. Dr. Stevens may petition for additional three month stays of the suspension, which shall be granted conditioned upon Dr. Stevens having complied with the following limitations during the preceding three month period.

1. Dr. Stevens is prohibited from engaging in conduct with a patient which is sexual or may reasonably be interpreted as sexual by the patient.
2. Dr. Stevens shall continue to receive therapy from a therapist satisfactory to the board. Dr. Stevens shall be responsible for submission to the board of quarterly reports prepared by his therapist setting forth Dr. Stevens' progress in therapy.
3. Dr. Stevens shall practice under the supervision of another physician satisfactory to the board. Dr. Stevens shall be responsible for submission to the board of quarterly reports from his supervising physician setting forth Dr. Stevens' activities and conduct during the preceding three month period.
4. Dr. Stevens shall practice only in a group setting satisfactory to the board.

IT IS FURTHER ORDERED that Dr. Stevens shall appear before the board at its September, 2001, meeting, at which time he may petition for modification or removal of the limitations set forth herein.

#### **EXPLANATION OF VARIANCE**

The board has accepted the ALJ's Findings of Fact and Conclusions of Law in their entirety. Whereas the ALJ recommended that the matter be dismissed, however, the board concludes that limitations on the license should

be imposed in the interests of the public health, safety and welfare.

In the disciplinary proceeding before the Minnesota Board of Medical Practice, that board, after finding that respondent had been diagnosed in 1993 with a DSM-IV diagnosis of sexual disorder (relationship addiction), recommended that respondent voluntarily submit to a comprehensive evaluation at Rush Behavioral Health Center in Chicago. Respondent followed that recommendation, and the Rush assessment team diagnosed respondent as follows:

AXIS I: Adjustment disorder, with mixed disturbance of emotions and conduct.  
History of Major Depressive Disorder

Sexual disorder, not otherwise specified, in remission by history.

AXIS II: Personality disorder, not otherwise specified with narcissistic features.

Based upon the results of the assessment, the Rush assessment team concluded to a reasonable degree of certainty that respondent was currently able to practice medicine with reasonable skill and safety provided that certain safeguards be in place. Based upon the Rush assessment team recommendations in that regard, the Minnesota imposed a number of limitations on respondent's license, including those set forth in the Order herein. Those conditions are still in place in Minnesota, and this board concludes that they should also be imposed on respondent's Wisconsin license until the board decides that they no longer serve any purpose.

Dated this 15<sup>th</sup> day of September, 2000.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

Secretary